

AN ACCOUNT OF HUMAN RIGHT VIOLATIONS IN NIGERIA (PRE-BRITISH, BRITISH AND POST INDEPENDENCE)

Sunny Nwachukwu N

Department Of Political Science School Of Social Science
Alvan Ikoku Federal College Of Education, Owerri, Nigeria

Dr Austin Aghamelo

Department Of Political Science Ambrose Alli University, Ekpoma Edo State, Nigeria

Nwaneri Stanley

Department Of Political Science School Of Social Science
Alvan Ikoku Federal College Of Education, Owerri, Nigeria

Abstract

The problem we have sought to address entails a discussion on the status and dynamics of human rights violation from British to Post Independence. We shall equally be examining the extent to which genuine democratization can resolve the hydra-headed crisis of human right abuses. At the inception of the present Fourth Republic in 1999 under the leadership of Olusegun Obasanjo, Nigerians had a sigh of relief that democracy and its twin sister, the rule of law, which is the basis for the protection of human rights, will come to stay. Unfortunately, everybody was amazed and disappointed at the level of human rights violation even in the democratic regime of Obasanjo.

Keywords: Human right, independence, democracy

Introduction

Conceptualization of human right

Human rights are those categories of rights that nature has bestowed on man. They presume the sacredness of the human person in any society in the world to doggedly resist any constraints upon this right as they underlie his humanity and freedom.

In its modern form, where the dominant terminology has taken the phrase “human” rather than “natural” human rights is defined as a...

Universal moral right, something which all
Men, everywhere, at all times, ought to have
And something of which no one may be
Deprived without grave affront to justice
Something which is owing to every human
Being simply because he is human. ((Ibid)

Issa Shivji goes to opine that:

There is only one universal conception and
Formulation of human rights. Human rights are
Are universal. They inhere in human beings
By virtue of their humanity alone...they are
Neither privileges nor contingent upon any
Duties by entitlements against the state.
Conceptually, the dominant outlook on

“human right’ centers around the concept of ‘human nature’. Human nature is an abstraction both from history as well as society. (Klenner, 208,p8)

Conceptualization of human right and national security

The realist school of thought views security as a two-issue character orientation: state and military. It views security⁶ in the parochial military terms and concentrates on the different military strategies adopted to contain external threats to state security. It is in this context that Walter Lippmann opines that “a nation is secure to the extent that is not in danger of having to sacrifice core values if it wishes to avoid war, and is able, if challenged, to maintain them by victory in such a war” Marx, 1980, p.123) in this wise, security is conceived as the acquisition of formidable military weaponry to protect the territorial integrity from external threats. This implies the propensity of security to rise and fall, which is why Arnold Woffers posits that security rises and falls within the ability of a nation to deter an attack or defeat it (Woffers, 1966, p. 185) this variant of security posits that aggression of threat to the state is wholly externally directed. It leads to build up of weapons and arms race that in turn culminates into what can aptly be described as “security dilemma’. The concomitant product of security dilemma is what is termed ‘spiral insecurity’ that tend towards a position of permanent insecurity in the system as a whole, or at best only temporary security for any given power at any time.

In this scenario, there exists a pall of insecurity. What one country does to enhance its own security causes reaction from other countries that in the end can make the initial stage less secure. Thus, the scenario of action and reaction goes on in an unending pursuit to achieve security and therefore, it determines the behaviour of states in and anarchical international system. In spite of state pursuits, security continues to be elusive. There are incidents of civil conflicts, killings, arson, torture, brutality, repression and victimization everywhere, which have resulted in the deaths of millions of people. Many of these seasonal terrors and mayhem were occasioned by internal factors as against external threats, along the line postulated by the realist school of thought (Imobighe, 2001, p.44)

The neo-realist school of thought represented a “new thinking” about security. It extends the concept from the “state and military” brackets to include non-military issues and vulnerabilities that have really posed as threats to state security. It reinforces the essence and the propensity of internal issues to threatening state security. This school of thought sees security in a broader term. It now includes the gamut of human needs, which includes the right to life, liberty and pursuit of happiness. In its broadcast from, it connotes freedom from or elimination of threat, not only to the physical existence of the state, but to its ability for self-protection, development and the enhancement of the general well-being of the populace (Imobighe, 2001, p.39).

Thomas Imobighe affirms further that: security must have a positive impact on the condition of life of the individual within these states and provide all the inhabitants with the right atmosphere for their self-improvement and its actualization.

The components of national security may include territorial security of a state, food security, social security, political and economic security, physical safety and security of citizenry etc, a state could be secured to the extent in which these components are presents.

An account of human right violations in nigeria (pre british and british era)

Contrary to widely held views that human rights violations in Nigeria were initiated at the inception of the military in politics, the problem actually has its historical origin traceable from pre-colonial to colonial era. For instance, in 1849 with the imperial activities of John

Beecroft, the British Crown Consul in Nigeria. It was John Beecroft who introduced the concept of “gun-boat diplomacy” in Nigeria, (Batten, 1939, p.11 through which he compelled questionable agreements and treaties upon local rulers in the area, offering them “protection” in exchange for allowing British traders special and unlimited access to trade and economic activities in their domains. Some of the kings that refused to comply with his selfish rule were extended with gun-boat diplomacy and it resulted to violence and low-intensity war. These rulers were hounded, nuzzled and their domain torched. They were either dethroned or exiled.

It was in this context that violence and inhuman treatment came into Nigeria. Another earlier indulgencies of human right abuse was Brinsmen crisis with the Royal Niger Company at Akassa in 1895, it was recorded that much harm was done to property and many lives were lost. Although it was alleged that the actual extension of British authority over many of the coastal and land tribes was partly due to human right abuses by some of the pre-colonial chiefs in 1817 for instance, the consul dethroned the king Pepple of Bonny for making war on other chiefs and misruling his country. Also, in 1887, Jaja of Opobo was turned out for checking the trade of British merchants with the inland tribe; and in 1893, a Jekri Chief, Nana, who still kept on slave-raiding and ill-treating other tribes was also conquered and put down. In 1897, Benin was consumed and Oba Ovoramwen was sent away to Calabar due to slave-raiding, making human sacrifices and killing a number of peaceful Englishmen without cause. The condition of Benin at the time of its capture has been described thus:

Huge hole, 40 to 50 feet deep, were found
 Filled with human bodies, dead and dying
 And a few poor prisoners were saved...On
 The principal tree of sacrifice, facing the main
 Gate to the Kings courtyard there were two
 Crucified bodies at the foot of the tree,
 Seventeen bodies without heads, and forty
 Three more bodies that had been dead for
 Some... to the westward of the kings
 House was a large open space, about three
 Hundred yard in length, simply covered
 With the remains of some hundreds of human
 Sacrifices. The same sights were met with all
 Over the city. (Batten, 1939:13)

In 1903, Sokoto was attacked and the Sultan escaped. and a new Sultan was appointed by the High Commissioner. The Fulani emirs had ruled their subjects very badly indeed, taxing them severely, and even rendering their own subjects slaves. They also cruelly punished those who had displeased them, as the following quotations shows.

“the Emir’s best-killed slaves... ordered for their
 enemies inhuman punishment which they themselves
 invented. Finger-nails were torn out, arms and legs
 were still alive, important people who had displeased
 the emir were burnt up alive gradually on the town
 walls. Till after a period of terrible pains, the head
 of the dying man was at least walled up. The public
 prison of the Fulani became places of cruelty, from
 which few who were shut up in them could escape
 alive. (Batten, 1939:12)

From these records it is evident that the British influence on the geopolitical entity of Nigeria began as imperial enterprise whose sole target was exploitation of the economic resources, the institutionalization of violence and the use of coercion as instrument of

political control. Many believed that the problems associated with human rights violations are not unconnected with the method of British acquisitions and administration. The British, through a combination of force and cunning, subdued the different ethnic groups in Nigerian state and brought them into political stronghold tagged modern Nigeria.

O.Nnoli posits that:

In Nigeria, the colonialists were not interested in
Making their system of production serve the
Basic needs of the local population.

The understanding here is that the British political, social and economic policies were formulated and executed to the extent that they served British interests and left Nigeria with no basis for economic and political structures for the future developments of the Nigerian State because of self quest of the colonialist, human abuses were institutionalized

Nigeria, even after the declaration of Human Rights by the United Nations, (Eso, 2008), p.17) still possesses the status of colonialism. In 1947, two years after the Universal Declaration of Human Rights, abuse of Human rights in Nigeria came to a head. There was the Bristol Hotel incident, which is worth elaborating upon. Keith and Ivor Cunnings, was an Afro West Indian. Before leaving Britain, both officials had been booked to stay in Bristol Hotels, Lagos and a Hotel which catered only for whites. It was run by Greek hotelier.

Upon arrival, Keith was given a rousing and sumptuous reception while Ivor Cunnings was embarrassed with a very cold welcome. Upon all the unceremonious reception given to Ivor, he was not accommodated in the already booked Bristol Hotel, because according to the hotelier, the hotel was an exclusive reserve for the whites. We see this as another dimension to human right abuse. Imagine, because of colour, Ivor was discriminated against.

Nigeria since independence has had different political experiments and experiences. Firstly, it was British Parliamentary or Cabinet system of government up to end of the first republic in 1965. Then came the American presidential system in 1979 of the second republic.

The plight of democratic experiences shows that Alhaji Tafewa Balewa, prime Minister of the first republic was killed in the military coup of 1966, this led to the Nigerian civil war that almost brought the federation to wreckage. The Shagari administration (1979-1983) after a first-term in office was also overthrown by the military in 1983. There was the denial of a sovereign mandate given willingly by Nigerians to Moshod Abiola in June 12th 1993 presidential election. The illegal Interim National government of Ernest Shonekon was also booted out by General Sanni Abacha. It is being argued that military overthrow of elected government is part of human right abuse.

On the part of military, there have been coups and counter coups. There was a counter-coup against military government of General Aguiyi Ironsi which brought General Yakubu Gowon to power in July 1966. Gowon himself was overthrown by the coup that brought Generals Murtala/Obasanjo to power in July 1975. The military resurgence again with the coup of General Mohammed Buhari on December 31, 1983 which was overthrown by General Ibrahim Babangida who later stepped aside for General Sanni Abacha to take advantage of the situation to boot Ernest Shonekon out of power on November 27th 1993. That has been the same sad pictures of political instability that engulfed this nation

In the thick of the struggle to emancipate the nation from the strangulating grip of military dictatorship, the activists vowed not to surrender, but rather to continue to fight for freedom, justice and the enthronement of democracy in Nigeria. Their doggedness and near fanatical devotion to the ideal no doubt tasked the military dictators in the country. Consequently, there was the need to meet the daunting challenges that will eventually lead to freedom. Irrespective of age, sex, ethnic origin, everyone was entitled to full and positive

enjoyment of fundamental human rights. These fundamental human rights cover a very wide spectrum of human existence, including the specific abuses from which people should be protected, such as arbitrary arrest, unlawful detention and torture.

Human rights issues received legal backing with statutory provisions made in the 1999 Constitution of the federal Republic of Nigeria. Section 33 to 43 of Chapter IV specifically covered the fundamental human rights that the government and society not only acknowledge, but also guarantee to protect from infringement. (Constitutional rights project, 1997, 3) Previously, however, the human rights record in Nigeria particularly under military era from 1985 to 1998, which covered the Generals Ibrahim Badamosi Babangida and Sani Abacha regimes, witnessed high levels of human rights abuses and violations in the country. Instructively, there was perhaps no basic right that was nor abridged in the period under review. There was military brutality against the civil populace, case of extra-judicial killings soared, access to justice by ordinary Nigerians was severely restricted, international passports and other traveling documents of individuals and officials were seized with impunity to prevent opposition and cow articulate critics of the juntas into submission.

To worsen matters, the unconstitutional practice of arresting relations in lieu of accused persons-whether factual of fabricated-among other vices, intensified the level of insecurity in the country. There were waves of baffling and unresolved assassinations as well as recurring incidents of bomb explosions in several parts of the country/. Extra-judicial killings, arbitrary arrests, unlawful and prolonged detention, brutal torture of accused person and degrading treatment bordering on dehumanization of critics and opponents of the military regimes became a common scene in the country. (Ayoob, 1994, p.5)

Thus, human rights and national security are intricately interwoven to such extent that one reinforces the other, and a decline in one is a direct threat to the other, which consequently results in general societal retrogression. Component of human security include right to life, right to dignity of the human person, right to persona; liberty, right to fair hearing, right to freedom of thought, conscience and religion, right to freedom of expression and the press, right to peaceful assembly and association, right to freedom of movement, right to freedom from discrimination.

Identification of problems

Human right violation the world over, has become an ignominious act which attract the condemnation and attention of international organizations like UN, the Common Wealth, AU, Governmental Organization and others. Nigeria as a sovereign state has not fared any better in the protection of fundamental human rights of her citizens instead, it has been a situation of wanton abuses of their inalienable rights with impunity.

The regimes of General Babangida and Sani Abacha witnessed widespread human rights violation. Both regimes ushered in unprecedented levels of political and economic regimentation in Nigeria,, and the scale of violation of human rights abuses reached such magnitude that it led to widespread dissatisfaction in all spheres of the society. (Owunwa, 198, p.189)

For instance, the resulting absence of legal restraints on agents of the regimes gave free rein to human right violations. The human right abuses of the regime were perpetuated by the government through their agents operating in different institutions and agencies of the state. Most prominent were the armed forces, including the paramilitary organs of the state such as the State Security Services (SSS), the customs and Prisons Services, the National Intelligence agency, and the Police Force. They all collaborated extensively in launching an all-out war, on behalf of the ruling junta, against human rights issues and activists.

Soon enough, civil officials of known human rights inclinations were suspended dismissed or retired from public service institution. Others, such as academic, intellectual and

students union activists that also maintained similar posture as that of the human right activists, were either harassed, brutalized or arrested (in the case of the former two), or were rusticated or expelled in the case of the later

In 1988, some leaders of the Nigeria Labor Congress were detained for criticizing the General Babangida regime on SAP and when in 1993 striking ASUU members refused to be intimidated by threats from the regime, which were expected to force them back to lecture halls without first of all meeting their demands, the regime issued the Teaching (essential Services) Decree under which teachers all levels of educations would lose their jobs if they went for more than one week.

It is remarkable that in the opinion of Bola Ajibola, violation of human rights was quite compatible with military rule. In an address that he delivered at the Nigerian Bar Association conference in Kaduna in September 1988, on the theme Courts and Liberties in Military Revolution, he opined thus

If we accept that a military regime is an
Aberration, then we should be prepared to
Logically assume that it cannot satisfy the
Condition of regular government in terms of
Human rights. (Tell Magazine, 1993, p.6).

To secure his regime, he clamped Chief M.K.O Abiola into jail. Shortly after, General Olusegun Obasanjo, Chief Frank Kokori and countless others followed. The right to freedom of expression and the press was at best in abeyance, owing to the fact that newspaper houses were shut down on official orders or were fire-bombed by unknown persons who always were never apprehended by the police authority. The existence of the Strike Force, the Directorate of Military intelligence (DMI) and the State Security Services (SSS) further worsened the violation of human right

On 10th November, 1995, Kenule Beeson Saro Wiwa- a renowned figure whose reputation was known worldwide on account of his agitations for equitable appropriation and utilization of the oil wealth of his community in particular and Niger Delta in general-and eight other Ogoni environmental activists were sentenced to death by hanging. This was the climax of years of struggle by the Ogonis in creating general awareness about the environmental devastation that the exploration of crude oil in their communities by foreigners in collaboration with the Nigerian government, has wrecked on the indigenous peoples without noticeable improvement of their standard of living. (Aron, 1966, p.32)

Herein lies the problem of the study, which is the establishment and evaluation of the dialectical relationship that exists between human rights, its violations and what this portends for the national security of the country such as Nigeria.

Theoretical analysis

The theory of transition and authoritarianism as it relates to the state is adopted as our framework of analysis. Human right violations have been swinging between transitions from authoritarian colonial rule to “elected democratic rule” when elected civilian incumbents subverted rules of democracy with distain. The country has had more military era than civilian. The state and its structures were repressive by power concentration and client relation. Authoritarianism overtook rationality. The army, rather than being nationalistic, was occupationist. Power rigidly restricted the political landscape. Military rules accentuated authoritarianism –more restriction personalizing governance, straightening the federal center and total abuse of power and human rights became subservient to the state rather than a check on it.

The elites in Nigeria help up in this contraption. Given the unyielding dominance of the state, they see human rights violations and abuses as a means to reach and control it. Between human rights violations and social value the Nigerian political elites prefer the human right violations.

Apart from the interpretation of human right violations, the nature and character of the state hardly conforms with the tenets of good governance. According to Claude Ake:

Nigeria...democratizes with no separation of power
All powers having been rested on an imperial
Presidency. There is hardly any rule of law no
Plausible system of justice no transparency. The
Coercive institutions of the state are above the law
Civil society is below it, ordinary people are out of
Sight far beyond its protection. The bureaucracy is
Oppressive and arbitrary. The Nigerians state like
The colonial state before it turns on the calculus and
Strength. (Ekeh, 1978, p.318)

The Nigerian state, incidentally, evolved from outside the Nigerian society. This is because the Nigerian state was a colonial creation having its precursor in the colonial Nigerian state-a state that was put in place by British colonialism for the realization of its imperialist objectives. The colonial state in Nigeria instead of emerging as a reaction to the need created for it by the Nigerian people, strategically evolved as a colonial instrument for the administrative and organizational control of the Nigerian people brought under the imperialist control of Britain through colonialism. The colonial state in Nigeria was therefore a state lacking in natural legitimating ideals because it was not desired by the people internally, since it was an external imposition.

More than that, however, the *raison d'être* of the colonial state was the domination of the people since the state derived the import of its existence from the subjugation of the society on which it was foisted. As a state instituted for the promotion and realization of the objectives of colonialism, the colonial state in Nigerian necessarily had to make its duty the exploitation and domination of the people of Nigeria if the full objectives of colonialism, obviously antithetical to the interests of the people, were to be pursued effectively. The colonial state was, as such, conceived and presented as a *forcemajeure*, relying on force and violence, especially given its monopoly of the instruments of violence, to subjugate and dominate the Nigerian society.

The oppressive nature of the colonial state also derived in part from the lack of correspondence between it and the Nigerian society in economic matters. This is because; while the colonial state was the instrument of the metropolitan government that was superintending a capitalist economy at home, the Nigerian society was still essentially subsistent in production, depending on agricultural production with minimal trade and exchange. (Joseph,1991,p.193) since the *raison d'être* of the colonial state was the subjugation of the colonized society, it meant that the subsistent production system of the Nigerian society had to be destroyed to make for the introduction of a capitalist system of production that would facilitate capitalist exploitation by the colonial state. Unfortunately, the colonial state, in terms of the conception of the metropolitan state, was also expected to finance the subjugation of the colonized internally, that is through revenue extracted from the colony. This meant that the colonial state could embark on the total destruction of the extant subsistent production since it was needed to rely on the proceeds of this production system through taxation to finance itself. Nonetheless, since taxation was to be paid in British currency, it was assumed that chestnut would be put out of fire of subsistent production through exchange imposed by the quest for British currency. The colonial state was therefore

still set, even though more methodically than should normally be expected, to destroy the economic fabric of the subsistent production of the colonized people and substitute it with an economic system in its own image.

The combination of the alien, suppressive and oppressive nature of the state and the fact that it was not performing any positive role for the colonized Nigerian society in terms of economic production outside of the negative influence of unjustifiable taxation, meant that the people did not see the state as 'something technically necessary' for their continued existence. The state was therefore in every respect an unaccepted one lacking in legitimacy and surviving only on strength of the instruments of force within its control. It is noteworthy that the state relies on this absence of legitimacy and acceptance for its relation with the society. The colonial state was governed by the principle of *amorality* since the people did not accept the state in terms of the society's morality. (Olagunju, 1993, p.39) This created a duality in citizenship commitment and consciousness formation. The duality has its root the civil society and primordial values of the dominated Nigerian (indigenous) formations.

Incidentally, the coming of independence did not fundamentally transform the state in Nigeria, because the people who supplanted the British at independence were a carefully selected class of Nigerians who continued to protect the interest of the Britain. The Nigerian state retained its forceful and authoritarian character, with the indigenous leaders realizing that they had to continue with erstwhile colonial process of suppression to assure themselves of prominence and authority which could not be got legitimately. Instead of transforming the state and making it relevant to the satisfaction of the needs and wants of the people of Nigeria, the emergent leaders were contented with using the enormous authoritarian structures of the state to appropriate economic gains to themselves. There was really no incentive for this kind of transformation: having control of their instruments of force was enough to assure the leadership of advantageous placement in society particularly since the state had enormous resources through forceful social appropriation from society. Here human rights must be continuously suppressed to eliminate challenges.

Nevertheless, the fact that the state, given its enormous resources, was the most secured and quickest source of accumulation after independence meant that politics as the struggle for the control of the instruments of the state became a fierce battle. Many people became interested in the state, not because it was useful for the generality of the society but because it could be exploited for personal material gains. Claude Ake writes:

...the Nigerian state appears...to own virtually everything including access to status and wealth
Inevitably, a desperate struggle ensues, since this
Control means for all practical purposes being all
And owing everything. (Ake, 1992, p.6)

The desperation that became the most important characteristic of the competition for a control of state offices meant that the struggle in this competition need not be peaceful. What became important was to win and all factors and resources had to be deployed to ensure success. This characterizes the Obasanjo 2006/2007 command to the PDP followers that election should be a do or die affair. In a situation as this, competition degenerates into conflict and the end-result in this instance, was the emergence of the military as a key actor in the political scene with the military taking over the reins of power from the civilians. This development is not surprising since the military normally holds the aces in a situation of conflict and violence. But the demand of the structural contradictions of the position of the military and the impact of the environment, susceptible as it were to the covert and overt sensitization of the erstwhile civilian leaders, made a result of political power to civilians by the military only returned the polity to its starting stage of unregulated competition necessitating the 'return' of the military. We have, therefore, been having a cycle Billy

Dudley describes as mere ‘stop-gap expedient’ since no fundamental change is witnessed, except changes of rulers. (Ekeh, 1992, p. 88)

More important is the fact that the emergence of the military on the political terrain only reinforces the predilection of the state towards force and authoritarianism. Since the military intervenes in the first place because of the precariousness attendant on the unregulated competition among civilian politicians, the usual first act of the military on getting political power is to impose a ban on politics and run the government through the hierarchical and rather bureaucratic scheme of the military. Politics is divisive and should therefore be expunged from social life if peace is to reign. The citizens become politically immobilized with the taking away of the nominal leeway they have of taking part in the affairs of the state.

Conclusion

The reality is that both at the levels of civilian and military governments, the post-colonial state in Nigeria have consistently mirrored the authoritarian and repressive nature of its colonial antecedents. Furthermore, the state has not been able to attract normative legitimacy from the populace given its penchant for forceful extraction of resources from the society while not relating itself in any concrete sense to the existential realities of most the citizens. This is why despite the attempt by the Nigerian state to play the role of a development state by engaging in developmental projects, Claude Ake still characterizes the Nigerian state as an ‘irrelevant state’ because its activities and resources rarely positively affect majority of its citizens.(Sandbrook, 1998, p. 241)

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